

# REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
FRANCIS B. TIFFANY

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## [CHAPTER 65A.]

## [REGISTRATION OF CERTAIN TRADE-NAMES.]

**[3451—]1. Record of name, mark, etc.—Duty of secretary of state—Certificate.**—Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter in any kind of receptacle having the name of such person or other mark or device printed, stamped, engraved, etched, blown, impressed, riveted or otherwise produced or permanently fixed upon the same, may file in the office of the secretary of state for record a description of the name, mark or device so used and cause such description to be printed once in each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot within the State of Minnesota is located. It shall be the duty of the secretary of state to issue to the person so filing for record a description of such name, mark, or device in his office a duly attested certificate of the record of the same for which he shall receive a fee of one dollar. Such certificate in all prosecutions under this act shall be prima facie evidence of the adoption of such name, mark or device, and of the right of the person named therein to adopt and use the same. ('05 c. 340 § 1)

**Historical.**—"An act to protect the owners of receptacles used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts, other beverages, milk, cream, ice cream and butter." Approved April 19, 1905.

By section 7 Laws 1895, cc. 143, 144, and Laws 1899, c. 306, are repealed.

**[3451—]2. Use of receptacles without consent prohibited—Obliterating name, etc.—Penalty.**—It shall be unlawful for any person other than the one named in the certificate issued by the secretary of state as provided in section one [3451—1] of this act, without the written consent of the person named in such certificate to fill any receptacle bearing a name, mark or device recorded as provided in section one [3451—1] of this act with soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device on any such receptacle, or to buy, sell, give, take, dispose of in any way, or traffic in any receptacle bearing any such name, mark or device. Any person offending against any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than ten days nor more than ninety days, or by a fine of not less than ten dollars or more than one hundred dollars, and each such receptacle so unlawfully dealt with as herein set out shall be deemed and held to be a separate offense. ('05 c. 340 § 2)

**[3451—]3. Receptacles to be delivered on demand—Penalty.**—Any person having in possession or under control any receptacle bearing any name, mark or device recorded as provided in section one [3451—1] of this act, and not holding a written transfer or bill of sale therefor from the person named in the certificate issued by the secretary of state as provided in section one [3451—1] of this act or other authority in writing from such person, upon demand shall deliver such receptacle to the person named in such certificate

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or to the authorized agent of such person; and any person failing or refusing to so deliver the same when demanded shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail for not less than ten days nor more than ninety days, or by a fine of not less than ten dollars nor more than one hundred dollars. ('05 c. 340 § 3)

[3451—]4. **Recovery of receptacles—Search warrant.**—Whenever any person who has filed for record any such name, mark or device or who has acquired from such person in writing the ownership of such name, mark or device or the right to the exclusive use thereof, or any one representing such person, shall make oath before any magistrate that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any person such magistrate shall thereupon issue a search warrant to discover and obtain such receptacle; and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession, and if it shall be found that such person is guilty of violation of any section of this act he shall be punished as herein prescribed and the possession of the property taken upon such warrant shall be awarded to the owner thereof; but the remedy given by this section shall not be held to be exclusive, and offenders against any provision of this act may also be prosecuted as in case of other misdemeanors. ('05 c. 340 § 4)

[3451—]5. **Receptacle and other terms defined.**—As used in this act, the term receptacle shall include not only bottles, siphons, tins, kegs, one-eighth barrels, quarter barrels, half barrels, barrels, boxes, cans and tubs, but all other receptacles used for holding any of the commodities in this act mentioned; the singular may include the plural and the plural may include the singular; the term person may include corporation; and the requirement for a written transfer, bill of sale, authority or consent means that it shall be signed by the person named in the certificate issued by the secretary of state as provided by section one [3451—1] of this act, or by a transferee claiming under a written transfer signed by such person or by an agent whose authority is in writing signed by such person or such transferee. ('05 c. 340 § 5)

[3451—]6. **Taking deposit.**—The requiring or taking of any deposit for any purpose upon such receptacle shall not be deemed nor held to be a sale either optional or otherwise in any proceeding under this act. ('05 c. 340 § 6)

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### HOMESTEAD EXEMPTION.

#### 3452. Dwelling place exempt—Exceptions.

**Rights of wife—Quiet enjoyment.**—A wife has an interest in the homestead of herself and husband, although the legal title is in him, and she is entitled to the peaceful and quiet enjoyment thereof. Any unlawful invasion of such right is a legal wrong against her. *Lesch v. Great Northern R. Co.*, 97 Minn. 503, 106 N. W. 955, 7 L. R. A. (N. S.) 93.

**Separate tracts.**—Two separate 10-acre parcels, touching only at the corners, between which is a roadway, if owned, occupied, and cultivated as one farm, may constitute a homestead, although the residence and appurtenances are all located upon one tract. *Brixius v. Reimringer*, 101 Minn. 347, 112 N. W. 273, 118 Am. St. Rep. 629.